

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ICALL, INC., a Delaware-incorporated
Corporation Licensed to do Business in
California,

Plaintiff,

vs.

JULIAN CAIN and ORCHID SEED, LLC,
a California Limited Liability Company,

Defendants.

Case No.: SACV 11-00895 JVS (ANx)

[PROPOSED] ORDER ENTERING
DEFAULT JUDGMENT ON PLAINTIFF
ICALL'S CLAIMS FOR INJUNCTIVE
RELIEF AND ORDERING REMAINING
CLAIMS TO ARBITRATION

ORDER

Pursuant to the plaintiff's Motion for Entry of Default Judgment pursuant to F.R.Civ.P. 55(b)(2), the Court hereby finds that the procedural requirements of Local Rule 55-1 have been satisfied, and (1) plaintiff will be prejudiced if a default is not entered, (2) plaintiff's substantive claims are meritorious, (3) plaintiff's Complaint is sufficient, (4) the sum of money at stake in the action will not be established by default, but rather by subsequent arbitration, (5) there is no substantial dispute concerning material facts, that may be determined reliably from the written record, (6) the default of defendants was not due to excusable neglect, and (7) the entry of a default will not offend the policy favoring decisions on the merits.

1 WHEREFORE, the motion is GRANTED. Judgment is entered in favor of
2 plaintiff iCall, Inc. (herein, "Plaintiff") and against defendants Julian Cain, aka Ashley
3 Julian Cain aka Ashley J. Cain Julian Cain, aka Ashley Julian Cain, aka Ashley J. Cain
4 (herein "Defendant Cain") and Orchid Seed, LLC (jointly "Defendants") on Plaintiff's
5 First, Second, Third and Fourth Claims for Relief.

6 IT IS FURTHER ORDERED that all of Plaintiff's remaining claims alleged in the
7 Complaint on file herein (Docket # 1) shall be submitted to arbitration with Judicial
8 Arbitration and Mediation Service ("JAMS") in Los Angeles, California. This Court
9 shall retain jurisdiction of the matter for purposes of appointing an arbitrator under 9
10 U.S.C. § 5, confirming the arbitration award pursuant to 9 U.S.C. § 9, and conducting
11 enforcement of judgment proceedings under all applicable laws.

12
13 Dated: October __, 2011

14
15 _____
16 Hon. James V. Selna
17 UNITED STATES DISTRICT COURT JUDGE

18 Respectfully submitted this 29th day of September, 2011, by

19 s/Charles Carreon
20 CHARLES CARREON, ESQ. (127139)
21 2165 S. Avenida Planeta
22 Tucson, Arizona 85710
23 Tel: 520-841-0835
24 Fax: 520-843-2083
25 Email: chas@charlescarreon.com

26 Attorney for Plaintiff iCall, Inc.

PROOF OF SERVICE

I am a citizen of the United States with a business address of 2165 S. Avenida Planeta. I am over the age of 18 years, and not a party to the within action. I declare that, on the date subscribed below, I served the following document described as

upon the defendant herein by the method(s) described below:

Julian Cain
[REDACTED per General Order 10-07]
Canton, GA 30115-8137

julian@junglecat.org

- ☐ by email to the above-referenced email address
- ☐ by personal delivery to the above-referenced addresses
- ☐ by placing the same in envelopes addressed to the above recipient, U.S. Priority Mail, with postage fully prepaid, deposited into an official mailbox located in Tucson, Arizona.
- ☐ by Federal Express for overnight delivery.

Executed at Tucson, Arizona, on_____.

CHARLES CARREON